

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

MATTHEW J. HILGEFORD,

Plaintiff,

V.

Civil Action No. 3:10cv00465

AMERICAN INTERNATIONAL
GROUP, INC. (AIG)

NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, PA.,

AIG DOMESTIC CLAIMS, INC., and

BANK OF AMERICA, NA

Defendants.

MOTION TO DISMISS AND ROSEBORO WARNING

COME NOW the defendants American International Group, Inc. ("AIG, Inc."), National Union Fire Insurance Company of Pittsburgh, PA. ("National Union"), and AIG Domestic Claims, Inc., now known as Chartis Claims, Inc. ("AIG/Chartis Claims"), by counsel, pursuant to Fed. R. Civ. P. 12(b)(6), and hereby move the Court to dismiss the above-styled action in its entirety for failure to state a claim upon which relief can be granted on the grounds that this action is barred by the doctrines of res judicata, claim preclusion, collateral estoppel and/or issue preclusion, for the reasons stated more fully in the accompanying Brief in Support of Motion to Dismiss.

ROSEBORO WARNING

Pursuant to the provisions of Rule 7 (K) of the Rules of the United States District Court for the Eastern District of Virginia, the defendants, by counsel, hereby give the following warning consistent with requirements of *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975):

1. The *pro se* party is entitled to file a response opposing the motion and that any such response must be filed within twenty (20) days of the date of which the dispositive or partially dispositive motion is filed; and
2. The Court could dismiss the action on the basis of the moving party's papers if the *pro se* party does not file a response; and
3. The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and
4. The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

AMERICAN INTERNATIONAL GROUP, INC.,
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA., and
AIG DOMESTIC CLAIMS, INC. (now known as
CHARTIS CLAIMS, INC.)

By Counsel

s/ Robert B. Delano, Jr.

Virginia Bar Number: 20619

Attorney for defendant

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of July 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Megan C. Rahman, Esquire

Troutman Sanders LLP

P. O. Box 1122

Richmond, VA 23218-1122

Counsel for Bank of America NA

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Matthew J. Hilgeford

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Plaintiff pro se

s/ Robert B. Delano, Jr.

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